IN THE DRAWINGS:

No Amendments

Remarks/Arguments

Reconsideration of this application is requested.

Rejections under 35 U.S.C. §112

Claims 14-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons of record. Claim 14 has been amended to obviate the rejection. The specification on page 9 states that the electrode of claim 1 is obtained by reducing the electrode of claim 14. Claim 14 recites the electrode material before reduction. After reduction when delta is greater than zero, the electrode of claim 1 is produced. It is believed that this amendment renders claims 14-19 allowable and such action is requested.

Rejections under 37 CFR §1.75(c)

Claim 8 was objected to under 37 CFR §1.75(c). This claim has been canceled.

Rejections under 35 U.S.C. §102

Claims 1-7, 9-13, 19, 23-27 and 31-35 were rejected under 35 U.S.C. §102(b) as being anticipated by the Murai et al. U.S. patent no. 5,316,875. This rejection is traversed.

The examiner correctly noted that the formula set forth in the claims wherein "x" was zero would not be present. The examiner further noted that in some instances where delta was zero, the cathode material then would read on the cathode disclosed in the Murai et al. reference.

The independent claims have been modified to ensure that there is a two component electrode in which "x" is greater than zero and delta is greater than zero. This is not new matter as indicated in the

specification in the paragraph bridging pages 6 and 7, page 8, line 2, et seq., wherein oxygen loss necessarily means that delta is greater than zero and on page 9, the first full paragraph in which the reducing means also require that delta be greater than zero. "X" being greater than zero is also set forth in the application in which two component electrodes are disclosed, the examiner already having indicated that when "x" is zero the formula is reduced to a single component, see the paragraph bridging pages 11 and 12 as well as the full paragraph on page 12. With the amendment hereto which requires a two component electrode, the Murai et al. patent does not show or suggest the claimed material as now defined. Accordingly, it is suggested that the rejections of claims 1-7, 9-13, 19, 23-27 and 31-35 as being anticipated by the Murai et al. '875 patent be withdrawn.

Claims 1-13, 19, 23-27 and 31-35 were rejected under 35 U.S.C. §102(e), as being anticipated by the Thackeray et al. U.S. patent no. 6,680,143.

Since delta has been defined as being greater than zero, the rejection under 35 U.S.C. §102(e) must be withdrawn.

Claims 1-13, 19 and 23-35 were rejected under 35 U.S.C. §102(e) as being anticipated by the Thackeray et al. U.S. patent no. 6,677,082. For the reasons set forth above with respect to the Thackeray et al '143 patent, the Thackeray '082 patent does not show or suggest much less anticipate the present claims when delta is greater than zero. Accordingly, the rejection under §102(e) based on the Thackeray et al. '082 patent should be withdrawn.

Rejections under non-statutory obvious-type double patenting

Claims 1-13, 19, 23-27 and 31-35 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13, 17 and 18 of the Thackeray et al. U.S. patent

no. 6,680,143. A terminal disclaimer is submitted herewith, whereby this rejection has been obviated.

Claims 1-13, 19, 23-27 and 31-35 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of the Thackeray et al. '082 patent. A terminal disclaimer based on the '082 patent is enclosed herewith whereby this rejection has been obviated.

Rejections under 35 U.S.C. §103(a)

Claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Thackeray et al. patents, that is the '143 or the '082 patents. Since claims 20-23 are dependent on claim 9 or a claim dependent thereon, it is believed that the rejection of these claims as being obvious in view of the Thackeray et al. '143 or '082 patents must be withdrawn. The material of claim 9 as now presented is simply not shown or suggested by either of the Thackeray et al. patents, nor would it have been obvious in view thereof.

All matters having been attended to, it is respectfully suggested that each of claims 1-7 and 9-35 is directed to patentable subject matter and the allowance thereof is requested.

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Respectfully submitted,

OLSON & HIERL, LTD.

By: _____
Harry M. Levy
Registration No. 24,248

20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
Phone: (312)-580-1180
Facsimile: (312)-580-1189
e-mail: hlevy@olsonhierl.com